

REMARKS

The Office Action of July 24, 2003 has been reviewed and the Examiner's comments carefully considered. The present Amendment amends claims 12-17, 21, 24, 25, 27-29 and 31 in accordance with the originally-filed specification, and further cancels claims 22, 23, 26 and 30. No new matter has been added. Claims 12-17, 20, 21, 24, 25, 27-29 and 31 remain in this application.

The Examiner has rejected claims 11-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner rejects claims 12, 17 and 30 as including terms and limitations that have insufficient antecedent basis. Claims 12 and 17 have been modified to overcome this rejection, and claim 30 has been cancelled. The Examiner also indicated that claims 23, 26 and 30 are duplicative and include the same limitations found in claims 15-17. Applicant agrees with the Examiner and, in accordance with the Examiner's suggestions, has cancelled claims 23, 26 and 30 by way of the foregoing amendment. Therefore, withdrawal of the Examiner's indefiniteness rejections of claims 12-17 and 20-30 is respectfully requested.

Substantively, the Examiner has rejected all of pending claims 12-17 and 20-31. Specifically, claims 12, 13, 16, 26 and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by French Patent No. 2719207 to Lin (hereinafter "the Lin patent"). Claims 14, 21 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Lin patent in view of U.S. Patent No. 318,790 to Patton. Further, claims 15, 20, 22, 24, 25, 29 and 31 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Lin patent in view of the Patton patent, and

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in further view of U.S. Patent No. 5,423,291 to Daugherty. Finally, claims 17 and 30 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Lin patent in view of U.S. Patent No. 5,881,675 to Shaffer. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of these rejections.

Independent claim 12 of the present application, as amended, is directed to a clothes hanger that includes a hook and two arms projecting from the hook. The arms are each formed by a beverage bottle container, and each of the beverage bottle containers is fastened by a mouth to the hook. Further, each of the arms includes a thread into which one of the beverage bottle containers is detachably screwed.

Independent claim 31 of the present application, as amended, is directed to a hook for a hanger. This hook includes two fastening means, each of which is provided for the fastening of a beverage bottle container. In addition, each of the fastening means has a thread into which one of the beverage bottle containers is detachably screwed. Finally, the hook is manufactured in the form of a plastic injection molded part.

The Lin patent is directed to a clothes hanger and is in the French language. The device of the Lin patent includes a hook 30 and a base member 14. Two arms 40 are inserted on either end of the base member 14 by way of a retractable clip 41. By using this retractable clip 41, the arms 40 are attachable and detachable from the base 14 and hook 30.

The Patton patent is directed to a pipe coupling. Using threaded engagement, multiple sections of pipe are connected together. It appears that the Examiner is using the Patton patent for its disclosure of holders with screw fittings for receiving threaded objects.

The Daugherty patent is directed to a gravity feed butterfly feeder with mesh pad feeding stations. The butterfly feeder 10 has a reservoir 11 with a closed upper end 12 and an

opposite lower end 13. Further, the reservoir 11 may be a rigid container or have flexible walls. Also, plastic bottles, such as those which contain soft drink beverages, may be used as this reservoir 11. It appears that the Examiner is using the Daugherty patent for its disclosure of providing receptacles or holders formed from plastic that accommodate plastic beverage bottles. In particular, the head 15 of the hole includes a bore 21 that is threaded for connection to the top of the reservoir 11. The Examiner also uses the Daugherty patent for its teaching of injection molded plastic.

The Shaffer patent is directed to a bird feeder or a birdhouse assembly. The birdhouse is constructed using a container 10, such as a plastic milk jug, and includes a roof structure 30. The top of a skirt piece 34 includes a spout hole 36 formed through its radial center with a diameter slightly greater than the diameter of the large spout 12 on a container 10. The container's cap 14 is used for engagement purposes. It appears that the Examiner is using the Shaffer patent for its disclosure of using a bottle cap to hold the bottle portion to the remaining structure.

The structure of the clothes hanger in claim 12 and the hook in claim 31 of the present invention are distinguishable from the prior art of record, including the references cited by the Examiner. Specifically, the Lin patent discloses a clothes hanger having a hook 30 with a base portion 14 for accepting arms 40 therein. Further, it is agreed that arms 40 are engaged with the base portion using the clips 41 to remove and engage the arms 40 with the hook 30 and base portion 14. However, independent claims 12 and 31 of the present application, as amended, are specifically directed to a hanger having a hook and arms projecting therefrom, wherein the hooks are formed by a beverage bottle container. It is clear that the use of a beverage bottle container as the arms of the hanger was not even remotely hinted at in the Lin patent. It appears

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that the Examiner is considering the arms 40 of the hanger of the Lin patent to be "bottle shaped" members. The arms of the Lin patent are rods, not beverage bottle containers, and the Lin patent does not teach or suggest the use of arms including a thread into which one of the arms is detachably screwed. Therefore, and in the interest of clarity, both independent claims 12 and 31, together with and where appropriate the dependent claims that depend therefrom, have been amended to specifically recite a "beverage bottle container" and further describe the threaded engagement of the arms.

For these reasons, independent claim 12, as amended, is not anticipated by or rendered obvious over the Lin patent, the Patton patent, the Daugherty patent, the Shaffer patent and/or any of the prior art of record. Specifically, none of the prior art of record teaches a clothes hanger including a hook and two arms, wherein the arms are each formed by a beverage bottle container and are fastened by a mouth to the hook, and wherein each of the arms include a thread into which one of the beverage bottle containers is detachably screwed, as specifically set forth in independent claim 12. There is no hint in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claim 12 is respectfully requested.

All of claims 13-17, 20, 21, 24, 25 and 27-29 depend either directly or indirectly from and add further limitations to independent claim 12 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 12. Further, specifically with respect to the dependent claims, as well as independent claim 31, it appears that the Examiner is using either the Patton patent, the Daugherty patent and/or the Shaffer patent to cure the deficiencies of the Lin patent. As set forth in MPEP § 2143.03, to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by

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the prior art. Further, the Examiner cannot use the claims as a blueprint for locating separate claim elements in separate prior art references without considering the teachings of the prior art as a whole and without considering the complete teachings of the separate references. There is nothing in the Lin patent, the Patton patent, the Daugherty patent and the Shaffer patent that suggest the desirability of their combined teachings. Specifically, the Patton patent is directed to pipe coupling and the Daugherty and Shaffer patents are directed to birdfeeders. This clearly represents non-analogous art. There certainly is no incentive to combine these references in order to arrive at the subject matter of the present application. Further, there is no motivation in the field of pipe coupling and birdfeeder manufacturing that would suggest a combination with the field of clothes hanger manufacturing, and these fields are entirely different. In the absence of some "clear and particular" motivation to combine the teachings of the cited prior art, the rejection is improper. Winner Int'l Royalty Corp. v Wang, 202 F.3d 1340, 1348-49 (Fed. Cir. 2000).

For the foregoing reasons, all of pending claims 12-17, 20, 21, 24, 25, 27-29 and 31 are not anticipated by or rendered obvious over the Lin patent, the Patton patent, the Daugherty patent and/or the Shaffer patent. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. Reconsideration of the rejection of claims 12-17, 20, 21, 24, 25, 27-29 and 31 is respectfully requested.

For all the foregoing reasons, Applicant believes that claims 12-17, 20, 21, 24, 25, 27-29 and 31, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 12-17, 20, 21, 24, 25, 27-29 and 31 are respectfully requested.

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